

NOTICE TO THE PUBLIC
AND NEBRASKA LICENSED WATER WELL CONTRACTORS

Pursuant to the Nebraska Ground Water Management and Protection Act (“Act”), the Nebraska Department of Natural Resources (“Department”) hereby provides notice that the Department, in accordance with the Act:

1) Has made a preliminary determination that the following surface water portions of the Platte River Basin are fully appropriated:

- a) all portions of the Platte River Basin that are in the Tri-Basin Natural Resources District and are downstream (east) of the portion of that District that was designated by the Department as “overappropriated” on September 15, 2004;
- b) all portions of the Platte River Basin that are in the Little Blue Natural Resources District; and
- c) all portions of the Platte River Basin that are in the Upper Big Blue Natural Resources District and for which surface water runoff enters the Platte River at or upstream of the confluence of the Loup River with the Platte River.

2) Has made a preliminary determination that the geographic areas in which the surface water and ground water are hydrologically connected, and are therefore the ground water portions of the Platte River Basin, are fully appropriated; and

3) Has placed stays on new uses of surface water and notified the affected Natural Resources Districts (NRDs) that stays on new uses of ground water will take effect as described below.

The Department has placed an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in the areas preliminarily determined to be fully appropriated as provided in part 1)(a-c) above. On receipt of notice from the Department by the affected NRDs, there shall be a stay on the issuance of water well construction permits in the ground water portions of the Platte River Basin. Stays shall also be imposed in those ground water portions of the Basin (a) on the construction of certain new water wells if such construction has not commenced prior to the determination, whether or not a construction permit for such water well was previously obtained from the Department or a NRD, and (b) on the use

of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in the surface water portion of the Platte River Basin, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on January 12, 2006, which will be the date ten days after the Department's first newspaper publication, in the Omaha World Herald, of the corrected notice of the preliminary determination of fully appropriated and of such stays.

For further information regarding the Department's preliminary determination, the geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department's web site, at <http://www.dnr.state.ne.us>, and/or the affected NRDs.

The stays shall remain in effect at least until the Department has made a final determination about whether such area(s) is/are fully appropriated. If the Department makes a final determination that any such area(s) is/are not fully appropriated, the stays will expire for that area. Notice of any such expiration will be given. For any area subject to a Department final determination that the area is fully appropriated, the stays shall remain in effect until (a) they are terminated pursuant to the Act, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of the Act.